S.B.Cr.Misc. II Bail App. No. 4424/2007
(Chaturbhuj @ Dhanraj Vs. State of Rajasthan)

Date of order : 10/09/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Kalu Ram Bhati for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

This is second bail application filed by the present petitioner. The first bail application came to be dismissed on 15.9.2006 almost a year ago. After dismissal of the first bail application, learned counsel for the petitioner submits that the trial court has recorded the statements of various witnesses. Counsel for the petitioner has invited my attention to the statement of PW-5 Mishrilal who stated that Sunil informed him that the petitioner used to give beating to the deceased and administered one tablet to her. Sunil is not a witness in the calendar of witnesses filed by the prosecution.

In this view of the matter, looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is

allowed and it is directed that petitioner Chaturbhuj @ Dhan Raj S/o Bhanwarlal be released on bail in FIR No. 181/2006 P.S. Sadar, Bhilwara, provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP